

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
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In the Matter of:

CASE NO. 6:15-BK-1397-CCJ
ADV. FILE NO. 6:15-AP-00038-CCJ

JAIME RODRIGUEZ and MARIA CELESTE
RODRIGUEZ

Debtors.

DIANE MAHONY and JOHN MAHONY

Plaintiffs,

v.

JAIME RODRIGUEZ and MARIA RODRIGUEZ

Defendants.

MOTION TO QUASH DUE TO IMPROPER SERVICE

COMES NOW the Defendants, by and through their undersigned attorneys, and files this their Motion to quash due to improper service, and as grounds therefor would state as follows:

1. Plaintiffs filed this adversary proceeding on April 20, 2015.
2. Plaintiffs failed to effectuate service on the Complaint on an original summons issued on April 20, 2015, and then obtained an alias summons on May 11, 2015 on Defendant, Jaime Rodriguez, and on May 12, 2015 on Defendant, Maria Rodriguez.
3. Though the docket shows Plaintiff served it on Jaime and Maria Rodriguez on May 18, 2015, the Plaintiffs failed to serve the summons and Complaint on this attorney as is required by Federal Rules of Bankruptcy Procedure 7004(g).
4. Due to this fatal flaw, service should be quashed.

WHEREFORE, it is prayed the Court quash service.

I HEREBY CERTIFY that a true copy of the foregoing was furnished by United States Mail/electronic transmission to Brad E. Kelsky, Esquire, 1250 S. Pine Island Road, Plantation, Florida 33324 this 4th day of June, 2015.



RAYMOND J. ROTELLA, OF
KOSTO & ROTELLA, P.A.

Post Office Box 113

Orlando, Florida 32802

Telephone: 407/425-3456

Facsimile: 407/423-5498

Florida Bar Number 157951

Rrotella@kostoandrotella.com

Dmeyer@kostoandrotella.com

ATTORNEYS for Defendants